



IFW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q77446

Sang Yup LEE, et al.

Appln. No.: 10/662,358

Group Art Unit: 1652

Confirmation No.: 2373

Examiner: Malgorzata A. Walicka

Filed: September 16, 2003

For: PROCESS FOR PREPARING POLYHYDROXYALKANOATE EMPLOYING MAOC
GENE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement, dated April 1, 2005, Applicant elects Group I, Claims 1-3 and 5-8 for examination. This election is made with traverse.

In the Restriction Requirement, the claims of present invention were grouped into the following three groups: Group I, Claims 1-3 and 5-8, drawn to *maoC* gene classified in class 536, subclass 23.2; Group II, Claim 4, drawn to MaoC protein, classified in class 435, subclass 232; and Group III, Claims 9-10, drawn to a method of producing middle-chain-length polyhydroxyalkanoate (MCL-PHA) by culturing the microorganism.

The inventions of Group I and Group III can be shown to be distinct if (1) the process of using the product (here, the production of MCL-PHA by cultivating the transformed microorganism) can be practiced with another materially different product, and/or (2) the product (here, the microorganism of Group I) as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)).

Applicants submit that the Restriction Requirement fails to meet its burden to show either or both of (1) or (2), because it provides an example that the compound produced in the

LEE et al.
Appln. No. 10/662,358
Response to Restriction Requirement

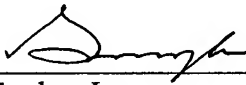
recombinant method Group II (i.e., MaoC protein) can be produced by another method, e.g., a chemical process.

Accordingly, Applicant respectfully traverse the Restriction Requirement and request that the Restriction Requirement on the inventions of Group I and Group III be withdrawn.

Applicant reserves the right to file a Divisional Application directed to non-elected Claims 4 and 9-10.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Sunhee Lee
Registration No. 53,892

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: April 29, 2005